

# COMMISSION ON COMMON OWNERSHIP COMMUNITIES

## Minutes of the Monthly Meeting Via Zoom Audio-Visual Conference **Wednesday May 4, 2022**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:10 pm by Commission Vice Chair John Smith due to technical difficulties. The Commission needed to resend a new zoom feed to the attendees.

**Commissioners present:** [08] ANDERSON, HERRON, HOLMES, MOORE, NERLINGER, SEEBOLD, SMITH, and STEINBACH.

**Commissioners absent:** COMMISSIONER MURTHY AND COMMISSION CHAIR WALKER. (EXCUSED)  
(Five (5) Vacancies)

**Staff present** WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: MARK ANDERS, INVESTIGATOR, OCOC (presenting), IFE FABAYO, INVESTIGATOR, FRANK DEMARAIS, DEPUTY DIRECTOR, DHCA, CCOC, RAND FISHBEIN, EX-OFFICIO MEMBER.

**Guests:**

Ephraim Harel, Jacquie Roberts, Frank Luncheon, Jo Ellen Bilanin, Wanda Boveja, Tesh Diriba, and Facilitator, Mark Fine, Panel Chair

1. **Proof of Quorum:** There being 8 Commissioners present the meeting was called to order.
2. **Welcome and Introductions:** The Vice Chair welcomed all in attendance.
3. **Approval of Agenda:** Commissioner Holmes moved to approve the May Agenda. Commissioner Anderson seconding. All voted in favor and the motion carried.
4. **Approval of Minutes:** Commissioner Anderson moved to approve the minutes of April 2022 monthly meeting. Commissioner Nerlinger seconded. Commissioner Seebold requested that the minutes for April reflect 10 Commissioner present as opposed to 11, as Ms. Bennett, left the meeting just after the meeting was called to order and was not present for any votes on jurisdictional matters. All voted in favor and the motion carried.
5. **Community Forum: There were no questions from the audience during the open forum.**
6. **Chairs Report – Vice Chairman Smith** reported that the Chairperson sends her regrets and was unable to attend the meeting this evening due to a family emergency. Mr. Fine also advised the Vice Chair, Commissioners, and those in attendance that Commissioner Murthy was also not in attendance due to the passing of a member of his family. Commissioner Anderson raised the question of protocol as to the Commissions custom of handling this type of matter. The Vice Chair deferred to Mr. Fine, the immediate past Chair, for what was protocol. Mr. Fine stated that the normal practice was that he would send something on behalf of the Commission to both families as the Commission did not have his line item in the budget. Several members also stated that they would like to contribute. Commissioner Seebold asked if this item needed to be explored further as a “parking lot discussion” as recognizes

that the Commission needs to resolve handling these types of expenses. The discussion was tabled by the Vice Chair until the next meeting.

7. **Submission of disputes for Commission consideration: Jurisdiction** – Mr. Anders presented the cases to the Commission.

**#2022-072 Longmead Crossing CSA v. Teresa Green.** – Commissioner Anderson moved to **Accept Jurisdiction of the case** and Commissioner Holmes seconded the motion. There was discussion by Commissioner Seebold with regards to the timeline. She was questioning the documents in the packet. As the respondent did not answer the complaint, no response was included. There was discussion regarding the CMS and the availability to review additional documents. She also stated that some summaries were not accurate. Mr. Fine offered to give a refresher on the CMS system for the Commissioners. Commissioner Anderson asked to call the vote. **The motion was carried by the Commission**, by unanimous consent.

**#2022-074, Longmead Crossing CSA v. Akalu Lentiro** – Commissioner Anderson moved to **Accept Jurisdiction of the case** and Commissioner Nerlinger seconded the motion. There was no discussion. **The motion was carried by the Commission**, by unanimous consent.

**#2022-068, Natalie Bobile v Decoverly IV Condominium.** – Commissioner Anderson moved to **Accept Jurisdiction of the case** and Commissioner Holmes seconded the motion. There was no discussion. **The motion to accept the case was carried by the Commission**, by unanimous consent.

## **DECISIONS AND ORDERS ISSUED**

**2021-013 Marek Kotelba v Kings Farm Citizens Assembly** (in packet)

## **DECISIONS AND ORDERS ON APPEAL (in Circuit Court for Montgomery, MD)**

Staff gave a brief update on the two cases below.

**#2021-033, Errichetti v. Glen Way Gardens Condominium (Pre-trial status hearing on May 19, 2022)**

**#2021-042, King Farm Citizens Assembly v. Siguel (Hearing held on March 28, 2022 – CCOC decision affirmed)**

**8. County Attorney's Report** – The County Attorney was asked to verify the status of 2021-042, he said he would check.

## **9. DHCA Staff Report**

Report Quarterly – No Report for this meeting. Mr. Demarais reported that the County plans to expand the support to the Commission as they have discussed, Mgmt continues to support and has contracted Mr. Fine as a Contractor. Vice Chair thanked the Deputy Director and staff for their support.

**10. Vice Chair & Committee Reports** The Vice Chair deferred to the Committees so they could present their reports.

- A. Education – The Committee Chair presented her report orally. Ms. Nerlinger reported/discussed Director training, and roughly 38 people were trained in April by zoom thanks to Ms. Anderson, Mr. Fine, Ms. Walker, and others. The Committee continues to review and update other training programs. The Committee has met twice and will meet again the 1<sup>st</sup> Monday in June. Their goal is

to increase training of Associations.

- B. Communications Committee – **Report Provided and read orally.** Ms. Steinbach is continuing to review the website and provided a status of the review so far. They are working on the Complaint tab of the website. She asked that anyone please send suggestions or corrections to her. She thanked Ms. Nerlinger for volunteering to assist, as Commissioner Murthy had to step down.
- C. Legislative/Policies and Procedures – Commissioner Herron reviewed the current Bills that were enacted and that the Committee was working on posting them on the website.
- D. Nominating Committee- Delegate Holmes gave an oral report, advising that approximately 25 applications have been received.
- E. Gaithersburg Task Force- Commissioner Anderson stated that most Associations in Gaithersburg are waiting till 7/1 to apply but the office is receiving applications.
- F. Budget and Information Technology – Ad-hoc No Report

Mr. Wilson of the **OCA** reported that in Case #2021-042, **King Farm Citizens Assembly v. Siguel**, the Court Affirmed the CCOC decision, and that Dr. Siguel has appealed the decision to the Court of Special Appeals and has also filed various motions after the court's decision including a Motion to Alter and Amend Judgment, which the court denied.

**11. UNFINISHED BUSINESS Otto v Kenwood. Brief discussion on a challenge of the composition of the Panel in this case. The Chair denied removing the panel Member citing no conflict.**

**12. NEW BUSINESS Del Holmes** was elected to the MHA (Maryland Homeowners Association) and will appear on Friday, before on Office of the OAG, to discuss a possible Maryland CCOC.

**Commissioner Moore** discussed corporations buying up affordable homes and renting them up, and the concerns of the homes being devalued. One solution would be a possible change to Association bylaws. Vice Chair Smith asked Commissioners for their input. Commissioner Seebold discussed the governing documents and the need for management involvement with maintenance issues to keep the home values high. Vice Chair Smith will discuss with the Chairwoman. Mr. Fine briefly discussed the new FHA 1076 form for secondary lending. Associations are now required to complete this 9-page document in order for borrowers to be granted secondary federal backing on the mortgage. This is a direct result of the Surfside issue, and failure to complete reserve studies.

**13. GOOD OF THE ORDER** Commissioner Anderson thanked Del. Holmes for his hard work in Annapolis this session. Vice Chair Smith thanked him for the 20+ Commission Applicants. Mr. Fine thanked the Commissioners for stepping up to assist in Lift Stays and filling in with filling in on hearing panels.

**14. ADJOURNMENT: Commissioner Anderson** moved to **adjourn the meeting; Commissioner Holmes** seconded the motion. All in favor. Meeting adjourned at 8:20 pm.

**THE NEXT MONTHLY MEETING WILL BE ON JUNE 1, 2022**

**Zoom invitations have been sent**